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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,817	11/16/2001	Toru Owada	TSM-16	7643

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EXAMINER

ANANTHANARAYANAN, RAMYA

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,817

Applicant(s)

OWADA ET AL.

Examiner

Ramya Ananthanarayanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-21 have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on November 17, 2000. It is noted, however, that applicant has not filed a certified copy of the 2000-351511 Japanese application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 8-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent 5,867,579).

5. With respect to claim 1, Saito discloses a digital content distributing system having a digital content distributing apparatus for distributing a digital content and an information processing apparatus for outputting a digital content distributing from the digital content distributing apparatus, wherein:

Said digital content distributing apparatus comprises:

A storage device storing a digital content (column 4, lines 42-43);

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An encryption processing device for performing an encryption process on a part of the digital content by using encryption key information shared with said information processing apparatus (column 4, lines 59-60); and

A distributing device for distributing the partly encrypted digital content to said information processing apparatus (column 5, lines 13-15), and

Said information processing apparatus comprises:

An input device for inputting a digital content distributed from said digital content distributing apparatus (column 5, lines 19-20);

A decryption processing device for performing a decryption process on the encrypted part of the inputted digital content by using the encrypting key information shared with said digital content distributing apparatus (column 5, lines 22-25); and

An output device for outputting the digital content decrypted from the encrypted part (column 6, lines 59-61),

Wherein said encryption processing device of said digital content distributing apparatus performs an encryption process, with a formatting unit of the digital content in plaintext taken as one unit, on a part of the units as a subject of encryption processing (column 3, lines 25-39).

6. With respect to claim 2, Saito discloses a digital content distributing system having a digital content distributing apparatus for distributing a digital content and an information processing apparatus for outputting a digital content distributed from the digital content distributing apparatus, wherein:

Said digital content distributing apparatus comprises:

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A storage device storing a digital content partly encrypted by using encryption key information shared with said information processing apparatus (column 5, lines 17-19); and

A distributing device for distributing the stored digital content to said information processing apparatus (column 5, lines 13-15), and

Said information processing apparatus comprises:

An input device for inputting a digital content distributed from said digital content distributing apparatus (column 5, lines 19-20);

A decryption processing device for performing a decryption process on an encrypted part of the inputted digital content by using the encryption key information shared with said digital content distributing apparatus (column 5, lines 22-25); and

An output device for outputting the digital content decrypted from the encrypted part (column 6, lines 59-61),

Wherein the digital content stored by said storage device of said digital content distributing apparatus is encrypted, with a formatting unit of the digital content in plaintext taken as one unit, on a part of the units as a subject of encryption (column 3, lines 25-39).

7. With respect to claim 3, Saito discloses a method for distributing a digital content from a digital content distributing apparatus to an information processing apparatus, in a digital content distributing system having the digital content distributing apparatus for distributing the digital content and the information processing apparatus for outputting the digital content distributed from the digital content distributing apparatus, said method comprising the steps of:

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Distributing, by said digital content distributing apparatus a partly encrypted digital content which is encrypted by using encryption key information shared with said information processing apparatus, to said information processing apparatus (column 5, lines 13-15); and

Performing a decryption process using the encryption key information on an encrypted part of the digital content distributed from said digital content distributing apparatus by said information processing device (column 5, lines 22-25; column 4, lines 59-60);

Wherein the digital content distributed by said digital content distributing apparatus is encrypted, with a formatting unit of the digital content in plaintext taken as one unit, on a part of the units as a subject of encryption (column 3, lines 25-39).

8. With respect to claim 8, Saito discloses a digital content distributing apparatus comprising:

A storage device storing a digital content (column 4, lines 42-43);

An encryption processing device for performing an encryption process on a part of the digital content by using encryption key information shared with an information processing apparatus which is to be a destination of distribution of the digital content (column 4, lines 59-60); and

A distributing device for distributing the partly encrypted digital content to said information processing apparatus (column 5, lines 13-15);

Wherein said encryption processing device performs an encryption process, with a formatting unit of the digital content in plaintext taken as one unit, on a part of the units as a subject of encryption processing (column 3, lines 25-39).

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9. With respect to claim 9, Saito discloses a digital content distributing apparatus comprising:

A storage device storing a digital content partly encrypted by using encryption key information shared with an information processing apparatus which is to be a destination of distribution (column 5, lines 17-19); and

A distributing device for distributing the stored digital content to said information processing apparatus (column 5, lines 13-15);

Wherein the digital content stored by said storage device is encrypted, with a formatting unit of the digital content in plaintext taken as one unit on a part of the units as a subject of encryption (column 3, lines 25-39).

10. With respect to claims 16 and 17, Saito discloses an information processing apparatus for outputting a digital content distributed from the digital content distributing apparatus according to claim 8, said information processing apparatus comprising

An input device for inputting a digital content distributed from said digital content distributing apparatus (column 5, lines 19-20);

A decryption processing device for performing a decryption process on an encrypted part of the inputted digital content by using the encryption key information shared with said digital content distributing apparatus (column 5, lines 22-25); and

An output device for outputting the digital content decrypted from the encrypted part (column 6, lines 59-61).

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11. With respect to claim 18, Saito discloses a recording medium having recorded therein a digital content, wherein the digital content is encrypted with a formatting unit of the digital content in plaintext taken as one unit, on a part of the units as a subject of encryption (column 12, lines 59-61).

12. With respect to claims 4, 10, 11, 19, Saito discloses a digital content distributing method according to claim 3, wherein, in the case that the digital content in plaintext is JPEG data formatted by a JPEG (Joint Photographic Experts Group) scheme, the JPEG data is encrypted, with a compression unit block comprising 8 pixels x 8 pixels as one unit, on a part of compression unit blocks (column 12, lines 40-42: It is inherent in the JPEG standard that data is compressed in 8x8 blocks as seen in Section 4.3, paragraph 2, line 1 in the Information Technology-Digital Compression and Coding of Continuous Still Tone Images-Requirements and Guidelines.).

13. With respect to claims 5, 12, 13, 20, Saito discloses a digital content distributing method according to claim 3, wherein in the case that the digital content in plaintext is JPEG data formatted by a JPEG (Joint Photographic Experts Group) scheme, the JPEG data is encrypted, with a compression unit block comprising 8 pixels x 8 pixels taken as one unit, in a part of or the entire of compression unit blocks, on a high frequency region or a low frequency region within each block (column 12, lines 40-42: It is inherent in the JPEG standard that data is compressed in 8x8 blocks as seen in Section 4.3, paragraph 2, line 1 in the Information Technology-Digital Compression and Coding of Continuous Still Tone Images-Requirements and Guidelines. It is

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also inherent in the same paper in Section 4.5, paragraph 4, that the blocks are compressed on a high or low frequency region with either a part or all bits compressed.).

14. With respect to claims 6, 14, 15, 21, Saito discloses a digital content distributing method according to claim 3, wherein in the case that the digital content in plaintext is MPEG data formatted by MPEG (Moving Picture Experts Group) scheme, the MPEG data is encrypted, with one frame taken as one unit on a part of or the entire of one group selected from a group of frames compressed with using correlation between the frames and a group of frames compressed without using correlation between the frames (column 12, lines 40-42: It is inherent in MPEG compression that frames are correlated in 8x8 blocks according to University of California Berkeley Multimedia Research Center's paper What is MPEG?, page 5, item 3.).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (U.S. Patent 5,867,579) in view of Le Roy et al. (U.S. Patent 4,723,285).

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17. Saito and Le Roy et al. are analogous art because both are in the field of electronic communication.

18. With respect to claim 7, Saito discloses a digital content distributing method, wherein in the case that the digital content in plaintext is sound data, and the sound data is encrypted (column 23, lines 30-31; column 4, lines 59-60).

19. Saito does not disclose a digital content distributing method, wherein the sound data is sampled based on frequency component and individually encoded, with an encoded unit sample taken as one unit, with respect to a high frequency component sample or low frequency component sample.

Le Roy et al. disclose a digital content distributing method, wherein the sound data is sampled based on frequency component and individually encoded, with an encoded unit sample taken as one unit, with respect to a high frequency component sample or low frequency component sample (column 2, lines 25-35).

21. It would have been obvious to one of ordinary skill in the art to combine the teachings of Le Roy et al. with the teachings of Saito because it was well known in the art to use PCM (column 1, lines 64-68).

Conclusion

Any inquiry concerning this communication or earlier communications from the


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examiner should be directed to Ramya Ananthanarayanan whose telephone number is (571) 272-5860. The examiner can normally be reached on Monday through Friday, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RA


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